

JAN 25 2008

PTOL-413A (09-04)

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

## Applicant Initiated Interview Request Form

Application No.: 09/821,774  
Examiner: Clement B. GrahamFirst Named Applicant: Michael S. Dashefsky  
Art Unit: 3692

Status of Application: Non-Final Rejection

## Tentative Participants:

(1) Examiner Clement B. Graham

(2) Supervisory Examiner Kambiz Abdi

(3) Attorney Christopher M. Scherer

(4)

Proposed Date of Interview: 02/05/2008

Proposed Time: 2:00 EST (AM/PM)

## Type of Interview Requested:

(1) ☒ Telephonic (2) ☐ Personal(3) ☐ Video ConferenceExhibit To Be Shown or Demonstrated: ☐ YES☒ NO

If yes, provide brief description:

## Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) Rej. §103(a)	Claim 1	Conway/Schniedoman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2)			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3)			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4)			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Continuation Sheet Attached					

## Brief Description of Arguments to be Presented:

The Applicant would first like to discuss the Conway reference, focusing on the amended independent claim 1 from the Applicant's last Office Action response dated June 25, 2007. Prior to preparing that response, the undersigned, Examiner Graham, and Supervisory Examiner Jay Cramer held an interview. During the interview, the parties discussed possible claim amendments.

An interview was conducted on the above-identified application on \_\_\_\_\_.

NOTE: This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01). This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

*Christopher M. Scherer*  
Applicant/Applicant's Representative Signature

Examiner/SPE Signature

Christopher M Scherer  
Typed/Printed Name of Applicant or Representative

50,655

Registration Number, if applicable

This collection of information is required by 37 CFR 1.133. This information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND PAGES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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**Applicant Initiated Interview Request Form (Continuation Sheet)**

Application No.: 09/821,774 First Named Applicant: Michael S. Dashefsky  
 Examiner: Clement B. Graham Art Unit: 3692 Status of Application: Non-Final Rejection

**Issues to be Discussed (Continued)**

Issues	Claims/ Fig. #'s	Prior Art	Discussed	Agreed	Not Agreed
(5) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(6) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(7) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(8) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(9) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(10) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Continuation of Brief Description of Arguments to be Presented:**

to the independent claim 1 that would distinguish claim 1 over the Conway reference. The Applicants submitted the claims as amended in the response dated June 25, 2007. In the present Office Action, Examiner Graham merely inserted these new limitations into the discussion from his previous Office Action, providing no additional citations, or any additional discussion of how the Conway reference teaches these new limitations. After reviewing the Conway reference in light of these claim amendments, the Applicants respectfully submit that the Conway reference indeed does not teach collecting a set of hospital data when the hospital data includes hospital statistics, factual information, and hospital macro data. Furthermore, it follows that Conway further does not teach assigning an hourly cost to each care unit for each patient based upon the set of collected hospital data. The Applicants would like to discuss this as the main point of the interview.

Furthermore, Examiner Graham indicates that Conway fails to explicitly teach simulating the flow of patients through the hospital using the model wherein the simulating step utilizes the collected data and using the model and the results of the simulating step to recommend hospital resources changes (sic). The Applicant has reviewed the new reference Schniederman, and notes that the word "simulate" or any derivative of this word is only used on two occasions in the entire 300 page reference. This word is utilized in the abstract of the Schniederman reference and further in the background of the Schniederman reference. After reviewing the abstract and the claim 1 of Schniederman, and further a great portion of the 300 page reference, the Applicants are not sure the Schniederman Reference teaches simulating the flow of patients through hospital using a model wherein the simulating step utilizes collected data and the results of the simulating step is used to recommend hospital resource changes. As a secondary issue, the Applicant would like to discuss the Schniederman reference with the Examiners in order to further clarify what the Schniederman reference actually teaches. In any case, the Applicant is highly appreciative of the Examiner and the Supervisory Examiner's willingness to interview this case.

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